

COMMISSION ON COMMON OWNERSHIP COMMUNITIES  
Minutes of the Monthly Meeting  
Via Zoom Audio-Visual Conference  
**Wednesday, May 6, 2020**

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:13 pm by Chairman Mark Fine.

**Commissioners present:** [11] FINE, GARDNER, GELFOUND, GIZA, MALAMUD, MYO KHIN, PERPER, SMITH, STEINBACH, VINEY, YOUNG, and Commissioners nominated, but not yet confirmed, Terry Anderson, Brian Gruber, and Linda Moore.

**Commissioners absent:** ETHIER

**Staff present:** Tim Goetzinger, DHCA Director of Finance; Walter Wilson, Associate County Attorney; Staff: Mark Anders, Ife Fabayo, Essie Doumassi.

**Guests:** Maryland Assistant Attorney General, Karen Straughn; Panel Chairs Shuaa Tajamul, Brian Felner, and Jeffrey Hamberger; former Commissioner Dr. Rand Fishbein, Justin Cameron, DG Fisher, Kelly Taylor, Tesh Diriba, Dr. Robert Athanasopoulos, and five unnamed visitors.

1. **Approval of Minutes:** Commissioner Gelfound moved to approve the minutes (as amended) of the March 4, 2020 monthly meeting, with Commissioner Smith seconding. The motion was approved by unanimous consent.
2. **Community Forum:** n/a
3. **Submission of disputes for Commission consideration:**

**Cases for Dismissal:**

- #2020-018, Prado v. Camelback Village Condominium** - Complainant failed to take part in mediation, then withdrew the complaint – Commissioner Myo Khin moved to dismiss the case, with Commissioner Gelfound seconding; motion approved by unanimous consent.
- #2020-029, Saraiva v. Camelback Village Condominium** - Complainant failed to take part in mediation - Commissioner Perper moved to dismiss the case, with Commissioner Viney seconding; motion approved by unanimous consent.
- #2020-085, Shoop v. Olney Mill Community Association** – Parties agree that complaint is moot - Commissioner Viney moved to dismiss the case, with Commissioner Perper seconding; motion approved by unanimous consent.

**Jurisdiction - Contested cases:**

- #2020-083, Clarksburg Village Community Association v. Yella** – Commissioner Myo Khin moved to accept jurisdiction and refer the case to a hearing panel, with Commissioner Smith seconding. After discussion, the motion was approved by unanimous consent.
- #2020-011, Brown v. Tiers of Silver Spring** [Architectural control] – Commissioner Gardner moved to accept jurisdiction and refer the case to a hearing panel, with Commissioner Malamud seconding. After discussion, the motion was approved by unanimous consent.

**#2020-043, Walker v. The Greens at Leisure World II Condominium** [Architectural control] – Commissioner Smith moved to accept jurisdiction and refer the case to a hearing panel, with Commissioner Malamud seconding. After discussion, the motion was approved by unanimous consent, Commissioner Fine recused.

**#2020-042, Athanasopoulos v. Grosvenor Park IV** [Election/Books & records] – Complaint was originally presented as a default, but later information was added to the complaint file. Commissioner Viney moved to accept jurisdiction and refer the case to a hearing panel. After discussion, the motion was approved by unanimous consent, Commissioner Fine recused.

**Note:** The Chairman received numerous intrusive texts and emails from the Complainant during the Commission's consideration of his complaint, despite being told repeatedly and publicly that he was out of order.

**#2020-077, Athanasopoulos v. Grosvenor Park IV** - consolidated with -

**#2020-035, Dunn v. Grosvenor Park IV** [Authority of the governing body to spend association funds] Commissioner Smith moved to accept jurisdiction and refer the cases to a hearing panel, with Commissioner Gardner seconding. After discussion, the motion was approved by unanimous consent, Commissioner Fine recused.

**#2020-079, Boveja v. West Spring Condominium** [Meeting notice/Rules/Elections] – Several different law firms have been involved; who received OCOC notices of the complaint? Commissioner Gardner moved to accept jurisdiction and refer the case to a hearing panel, with Commissioner Gelfound seconding. After discussion, the motion was approved by unanimous consent, Commissioners Fine and Myo Khin recused.

**#2020-036, Taylor v. Mutual 14 of Leisure World** [Selective enforcement] –

Commissioner Gardner moved to accept jurisdiction and refer the case to a hearing panel, with Commissioner Giza seconding. After discussion, the motion was approved by unanimous consent, Commissioners Viney, Fine, & Steinbach recused.

**4. Decisions & Orders Issued:**

#2019-067, Tuvin v. Westlake Condominium 'B' Inc. - Election irregularities

**5. Decisions & Orders on Appeal in Circuit Court for Montgomery County, MD:**

#2018-040, Dillin et al, v. The Willoughby of Chevy Chase and

#2018-061, Nadri v. The Willoughby of Chevy Chase (consolidated) – CCOC decision upheld in Circuit Court, appealed to Court of Special Appeals.

#2019-019, Weinrich v. Tanterra HOA

#2019-070, Washington v. Silverton Condominium

#2019-038, Kenny v. Council of Unit Owners of Cherington Condominium

**6. County Attorney's report:** Decision & Order(s) under review by Mr. Wilson – None

**7. DHCA report:** Director Goetzinger remarked that DHCA is involved in several County initiatives, including a rental assistant program and a small business relief program. Gov. Hogan has halted the collection of licensing and registration fees until 30 days after the current emergency has been lifted. Because the County's fiscal year begins on July 1, 2020, it is expected that common ownership community registration and billing will occur later in 2020 than usual.

**8. Chairman's Report:**

a. #2020-014, Peirce et ux v. Sunnymede HOA – Issues mediated by the Chairman and agreement on record with the OCOC.

b. Covid-19 updates Re pools: County follows MD Covid-19 guidelines but will schedule inspections on

request. The Chairman will contact County regarding stronger language in guidelines for private recreational facilities under CCOC control.

- c. DHCA & CCOC Websites offering Covid-19 recommendations and guidelines.
- d. Re Annual Meetings & Board elections: CCOC agrees with MD Attorney General's recommendation that annual meetings and Board elections *should not be held* unless all members can participate and nominations can be made from the floor. State law (and most association bylaws) allow Directors to remain in their positions until a successor is elected.
- e. Communications from the CCOC will be vetted by the Chairman before being made public. Several Commissioners objected to a Public Affairs memo to county residents that was badly written and offered mixed messages and incorrect information.
- f. Committees to be reconstituted after the current emergency is lifted.

**9. Committee reports:**

- a. Education Committee [Members: Commissioners Fine & Myo Khin, Gelfound, Giza, Perper, Smith, & Steinbach] --- Classroom training suspended, online training in use.
- b. Legislative Committee [Members: Commissioners Fine & Myo Khin, Gardner (Chair), Malamud, Viney, & Young] --- No report.
- c. IT/Process & Procedures Committee [Members: Commissioners Fine & Myo Khin, Ethier (Chair)] --- No report
- d. Interview Committee [Members: Commissioners Fine & Myo Khin, Giza (Chair), Gelfound, & Smith] Seven nominations for the Commission are awaiting County Council approval. Three current Commissioners [Staci Gelfound, Phil Giza, & Leonard Malamud] have been nominated for second terms. Four new nominees [Brian Gruber (owner/resident), Linda Moore (owner/resident), Kris Murthy (owner/resident), and Terry Anderson (professional)] are attending Commission hearings and meetings and will be going through training.

**10. Adjournment:** Meeting adjourned at 8:58pm.

**Next meeting: Wednesday, June 3, 2020 at 7:00pm**

Submitted by Kathy Viney,  
Recording Secretary